

This item was pulled from the agenda by Mayor Pro Tempore Mounce for further discussion together with the previous item.

MOTION/VOTE (joint action of the City Council and Redevelopment Agency):


The City Council and Redevelopment Agency, on motion of Mayor/Chairperson Johnson, Hansen second, adopted Resolution No. 2007-231 authorizing the City Manager to execute an Amended and Restated Cooperative Agreement with the Redevelopment Agency of the City of Lodi; adopted Resolution No. RDA2007-04 authorizing the Executive Director to execute an Amended and Restated Cooperative Agreement with the City of Lodi; and further directed staff to exclude the power of eminent domain from the Redevelopment Plan. The motion carried by the following vote:

Ayes: Council Members/Members – Hansen, Hitchcock, Katzakian, and
Mayor/Chairperson Johnson

Noes: Council Members/Members – Mounce

Absent: Council Members/Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

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- Ken Owen provided a brief overview of the annual “Keep Christ in Christmas” campaign and urged participation.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen wished everyone a Happy Thanksgiving and requested staff look into the soccer field matter and provide a response accordingly.
- Mayor Pro Tempore Mounce reported on her attendance at the National League of Cities conference and briefly discussed the affordable housing and historical preservation for mixed-use housing workshops. She also welcomed her Uncle Rodney to the Council meeting.
- Council Member Hitchcock requested a brief presentation of the new online system of recording citizen concerns. Mr. King provided an overview of the same, stating the system was now available on the City’s homepage.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King reported on the successful pricing and closing of the wastewater financing, the anticipated meeting in the upcoming week to discuss the soccer field matter and related private Grape Festival ground usage, and a possible park solution for the upcoming year. A brief discussion ensued between Mr. King, Council Member Hansen, Mayor Johnson, and Council Member Katzakian regarding the same.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider the adoption of a resolution establishing a fee schedule for the permit to operate for mobile food vendors.

Community Improvement Manager Joseph Wood provided an overview of the mobile food vendor permit process and the history of Council consideration associated with the same.

In response to Council Member Hansen, Mr. Wood stated the special event permit application is a catchall for all vendors that are not acting in connection with some other already permitted event.

In response to Council Member Hansen, Mr. Wood stated there is a separate process for a band application or similar activity.

In response to Mayor Pro Tempore Mounce, Mr. Wood stated there is a separate and general prohibition against the display of open merchandise for sale for vendors who set up a display on private property.

Christian Community Concerns

November 21, 2007

MAYOR, CITY COUNCIL MEMBERS, CITY STAFF

The scriptures refer to Jesus when it states:

FOR UNTO USA CHILD IS BORN, UNTO USA SON IS GIVEN: AND THE GOVERNMENT SHALL BE UPON HIS SHOULDER: AND HIS NAME SHALL BE CALLED WONDERFUL, COUNSELOR, THE MIGHTY GOD, THE EVERLASTING FATHER, AND THE PRINCE OF PEACE. (IS. 9:6) KJV

The Christmas **story** is still the greatest **story** ever told. To think that the creator of the universe would send heavens' **best** to redeem mankind is the wonder of wonders.

Another story that's almost **as** amazing **as** the birth of Jesus is mankind's rejection of the Christmas story. For example, there seems to be an all out attack to rid our country of any mention or public display of Christ in the Christmas story these days. Christmas has historically been the most celebrated holiday in America, but I'm concerned about what is happening to Christmas in America these days. The myth of the so called "Separation of Church & State" has led to so many misconceptions and controversy that many school administrators and public officials are removing **"Christ from Christmas"** throughout the land. I pray that the City of Lodi is not one of them.

Merchants are also replacing the greeting **"Merry Christmas"** for happy holidays or Seasons greetings, out of concern to not offend shoppers of different beliefs and backgrounds. We should be more concerned about offending God.

"THE END RESULT IS THAT THE OPEN CELEBRATION OF JESUS BEING BORN INTO THE WORLD AT CHRISTMAS TIME IS INCREASINGLY ABSENT FROM THE PUBLIC SQUARE."

According to the "Alliance Defense Fund A National legal organization" this was never the intent of our Founding Fathers. They state that the "U.S. Supreme Court has never ruled that the Constitution requires Government officials to censor Christmas cards or displays, or eliminate all references to Christmas, or silence those who celebrate Christ's birth."

ON NOVEMBER 25. CCC IS LAUNCHING OUR KEEPING CHRIST IN CHRISTMAS CAMPAIGN DURING THE CHRISTMAS SEASON.

One of the main reasons we are doing this is to give you factual information from the Alliance Defense Fund on what you can and cannot do legally concerning Christmas displays when it comes to Nativity scenes, or singing Christmas carols, or recognizing the birth of Jesus Christ into the world.

There ~~are~~ numerous organizations such ~~as~~ the A.C.L.U. ~~across~~ the land that has ~~been~~ bringing law ~~suits~~ against Christmas displays for the last several years. But that's beginning to change now because more and more people ~~are~~ beginning to say enough is enough.

Although these organizations ~~are~~ losing legal battles all across America, their falsehoods and misinformation still leave a chilling effect in our public schools, and public buildings.

For example, many school and Government officials ~~are~~ still convinced that a public Christmas display or Christmas carol violates the so-called "Separation of church and state.

In your packet you will find information that will equip you to know ~~the truth~~ about what you ~~as~~ a Civic Leader can and cannot do in the ~~area~~ of celebrating Christmas, and Separation of Church & State issues.

There is a page listing actual lawsuits that the A.C.L.U. has filed across America, along with a myth/fact sheet which I think you will find interesting.

Also in your packet is a beautiful poster ~~we~~ are asking churches, and businesses to display. Also, there is a **"Christmas handout card"** for shoppers to hand out to merchants while they ~~are~~ doing their ~~Christmas~~ shopping.

We ~~are~~ asking you to Please join with us in preserving our traditional heritage by
[REDACTED]

Thank you and ~~Merry Christmas~~ to all of you and your families.



Ken Owen, Director

The ACLU claims "there is no war on Christmas." Its actions tell a very different story . . .

Since ADF launched our Christmas Project in late 2003, the ACLU has been hammered in court, and in the courtroom of public opinion, after its decades of attacks on the public celebration of America's favorite holiday, thanks be to God. Today, the ACLU and its allies are in denial, claiming "there is no war on Christmas." This is a claim very easy to refute, as the following list documenting only a few recent attacks makes clear.

Wilson County, Tennessee, 2006: The ACLU is suing a public elementary school for holding a "See You at the Pole" prayer event, promoting the National Day of Prayer, allowing a "Praying Parents" newsletter, sponsoring a school Christmas program that included a student nativity play and two Christian Christmas carols, and other reasons. Please be in prayer for ADF as we evaluate getting involved against the ACLU in this important case.

Benton, Louisiana, 2005: The ACLU filed a lawsuit against a local elementary school's nativity display, as well as the school's inclusion of religious songs in its Christmas program and its allowance of a student-led Christian club to voluntarily meet during recess. ADF represented the school, and the ACLU was forced to settle—allowing the school's Christmas celebrations to continue.

Cranston, Rhode Island, 2005: With support from the ACLU, a woman sued the city because she claimed to be "offended" by Christmas displays at city hall. An ADF-allied attorney represented the city, winning first in federal district court and then before a panel of the U.S. Court of Appeals for the First Circuit. (Despite the loss, the ACLU threatened future legal action unless the city "sufficiently degraded the religious nature of the crèche by surrounding it with snowmen and the like.")

Elizabeth, Colorado, 2003: The Colorado ACLU sent a letter to the principal of a charter school demanding he "take immediate steps to comply with the constitutional separation of church and state" by censoring the school's Christmas program. An ADF attorney quickly assisted the school, and the ceremony was preserved.

Baldwin City, Kansas, 2003: When a local "Santa" visiting a public school asked why we celebrate Christmas, a little girl answered, "Because it's Jesus' birthday." The ACLU quickly sent a letter demanding an end to visits from Santa because the name of Jesus was mentioned—but was forced to slink away after the school heard from an ADF attorney and decided to stand its ground.

Tipton, Iowa, 2003: After a local chamber of commerce placed a nativity scene on courthouse grounds available for use by any private group, the ACLU sent a letter threatening a lawsuit—and also offering to help choose "a constitutionally appropriate method of celebrating the solstice holidays." An ADF attorney responded directly to the ACLU, and it backed down.

Norwood, Massachusetts, 2001: The ACLU filed a lawsuit against a local school district because of its tradition of allowing a crèche on a school lawn. The lawn was a designated "public forum," and other groups were allowed to put up displays as well, but none chose to do so. An ADF-allied attorney drafted a legal memo to the school, and it refused to give in to the ACLU.

And remember, it isn't Christians suing to stop secular Christmas music, displays, or celebrations. This is the legacy of the ACLU and its allies. So the next time the ACLU or its allies deny that there is a war on Christmas, you'll know the facts. The assault on Christmas is real. But by God's grace, if we stand together in prayer and action, we can win (John 15:5)!



Myth/Fact Sheet

Myth #1: Students are not allowed to sing religious Christmas carols in public schools.

Fact: During school activities, such as choir, Christmas programs, and other events in public schools, students can sing such carols without offending the U.S. Constitution. Courts may look to whether the school has a secular purpose for initiating religious expression; for example, advancing students' knowledge of society's cultural and religious heritage and the opportunity for students to perform a full range of music, poetry, and drama.

Myth #2: *It is unconstitutional for school officials to refer to a school break as a "Christmas Holiday."*

Fact: The Supreme Court has acknowledged the government's long-standing recognition of holidays with religious significance, such as Christmas. Congress has proclaimed Christmas to be a legal public holiday.

Myth #3: *It is unconstitutional for public schools to close on religious holidays, such as Christmas and Good Friday.*

Fact: The Establishment Clause doesn't prohibit state officials from choosing a religious day as the day for a legal holiday.

Myth #4: Public schools have to recognize all religious holidays if they *recognize* Christmas.

Fact: A school that has a holiday coinciding with a religious holiday must do so for secular purposes, but that does not impose a legal duty on the school to recognize every other religious holiday.

Myth #5: *It is constitutional for public schools to ban teachers and students from saying Merry Christmas.*

Fact: The Supreme Court has stated that teachers and students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Guidelines issued by U.S. Secretary of Education Riley (under President Clinton) state "students therefore have the same right to engage in...religious discussion during the school day as they do to engage in other comparable activity." Teachers have the right to greet students with the words Merry Christmas, in spite of their role as agents of the state. Saying a simple greeting that people commonly use in December does not violate the Establishment Clause. (A teacher would have to use his/her

authority to promote religion to students in order to violate the Establishment Clause.)

Myth #6: Public *schools* cannot have students study the religious origins of Christmas and read the biblical accounts of the birth of Christ.

Fact: The Supreme Court has stated that "the Bible may constitutionally be used in an appropriate study of history, civilization, ethics, comparative religion, or the like." The term "study" has been defined to include more than mere classroom instruction; public performance may be a legitimate part of secular study.

Myth #7: Public schools cannot display religious symbols.

Fact: The display of a nativity scene is constitutional if it is displayed for legitimate secular purposes, such as to celebrate the holiday and to depict the origins of the holiday. If a public school is concerned, it is free to display a nativity scene among other forms of religious and secular seasonal expression.

Myth #8: Students do not have a constitutional *right* to be exempt from activities with a religious component

Fact: Without penalty, students can opt out of activities (such as a Christmas program or a concert with a religious song) that conflict with the individual beliefs of the students or their parents. The school may not force "any person to participate in an activity that offends his religious or nonreligious beliefs." A student's objection to a school activity containing religion does not empower the student to censor the expression or block the activity. The student can opt out but cannot silence others. This is the standard for other matters as well. For example, students are allowed to opt out of reciting the Pledge of Allegiance.

Merry Christmas!

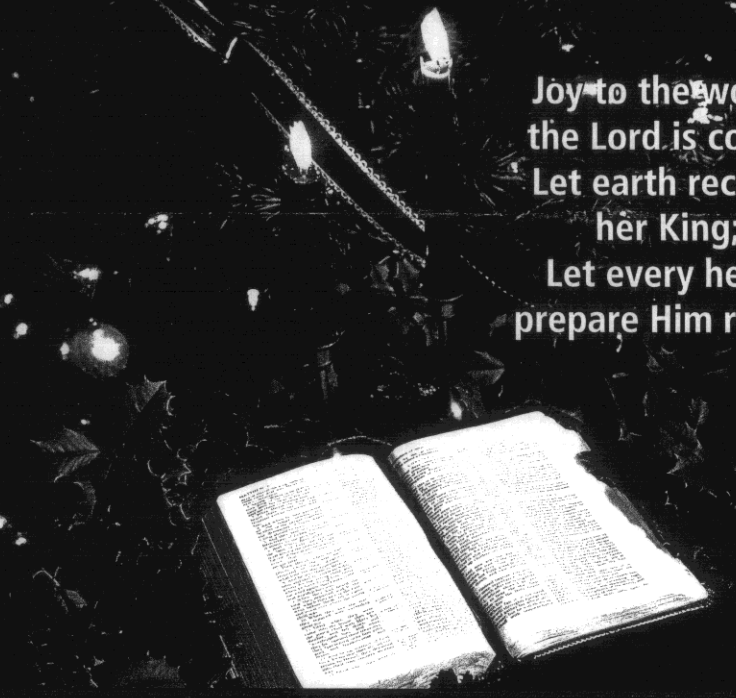
Dear Owner/Manager:

Currently, there is an assault on "Traditional Christmas" by those who want to eliminate the true meaning of the season. "Happy Holiday and Seasons Greetings" have replaced "Merry Christmas." It's time to return to our heritage, by saying "Merry Christmas," and displaying traditional Christmas symbols. Please join with us in saying "Merry Christmas" once again.

Signed

WE BELIEVE IN...

Keeping Christ In Christmas



Joy to the world,
the Lord is come!
Let earth receive
her King;
Let every heart
prepare Him room!

Merry Christmas!

A CAMPAIGN TO KEEP THE TRUE SPIRIT OF CHRISTMAS ALIVE IN OUR LAND

CHRISTIAN COMMUNITY CONCERNS

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